



November 7, 2018

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

**Re: Ex Parte, Revisions to Reporting Requirements Governing Hearing Aid
Compatible Mobile Handsets, WT Docket No. 17-228**

Dear Ms. Dortch,

On November 5, 2018, Lise Hamlin of Hearing Loss Association of America (HLAA), Linda Kozma-Spytek Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing, Gallaudet University (DHH-RERC), met with Federal Communications Commission's (Commission) Wireless Telecommunications Bureau staff Jonathan Lechter, and Consumer and Governmental Affairs Bureau, Deputy Bureau Chief Karen Peltz Strass, and Disability Rights Office staff Suzy Rosen Singleton, Eliot Greenwald and Susan Bahr to discuss the Commission's Draft Report and Order on Reporting Requirements Governing Hearing aid Compatible Mobile Handsets (Draft Order)¹.

We advised Commission staff that both Telecommunications of the Deaf and Hard of Hearing (TDI) and the National Association of the Deaf (NAD), were unable to attend this meeting, but requested we relay their continued support for our positions taken in this matter.

HLAA and DHH-RERC expressed our support for and applauded the work done by the Commission on the HAC Form 655 Draft R&O. We are encouraged that the Commission adopted many of the recommendations covered in the consensus letter filed by HLAA and CTIA, CCA, and TIA (Joint Letter).²

¹ *Revisions to Reporting Requirements Governing Hearing Aid-Compatible Mobile Handsets*, Draft Report and Order, FCC-CIRC1811-11, WT Docket No. 17-228 (draft rel. Oct 25, 2018) ("Draft Order").

² Letter from Courtney Neville, Competitive Carriers Association; Kara Graves, CTIA; Lise Hamlin, Hearing Loss Association of America; and Savannah Schaefer, Telecommunications Industries Association, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-228 (filed Oct. 19, 2018) ("Joint Letter").

We discussed that some of the recommendations that were made by HLAA and DHH-RERC in a subsequent, additional, filing were not adopted by the Commission.³ In particular we requested that the service providers' included on their public websites a link to the Commissions' HAC Fact Sheet providing an outline of the rules on HAC handsets, and/or as a listing on service providers' websites of components of the rule that consumers should be aware of. In addition, we recommended that service providers date stamp all of their updated listing of HAC offerings.⁴

In the Draft Report, the Commission indicated that providing links to FCC site "would overly restrict providers' flexibility to design and administer their websites without demonstrated benefit."⁵ We continue to believe that both the Commission and Consumers would benefit from including information about HAC rules on service providers websites. We note that the first page of the Draft Order says, "In this Report and Order, we take steps to **improve the information that consumers and the Commission receive about wireless hearing aid capability** by strengthening our requirements that wireless service providers post handset model information on the public web sites and by requiring those providers to retain information necessary to demonstrate compliance with the Commission's wireless hearing aid compatibility rules."⁶ [emphasis added]

Information about HAC requirements, readily available on service providers' websites, a place where consumers typically seek information about handsets for purchase, would allow consumers with hearing loss to have a better understanding of what they are entitled to when shopping for a HAC handset. We find that many, if not most, consumers simply do not know what help they can receive when reviewing websites or shopping in the store. For example, people may not know that websites have information about HAC listings and about HAC ratings – instead they may simply turn to the specifications of each model to determine which they would prefer to purchase and hope they work with their hearing aids where they may or may not find this information. In the same way, many consumers do not know that in-store testing and in store information about HAC models is required under the rules. Only recently it came to light that several large service providers no longer make handsets available for testing in the store and do not provide M and T ratings on their call-out cards, which describe the handset at point of purchase. Without that knowledge at hand, the person can only cross their fingers that the handset they purchase will work for them on both microphone and telecoil settings. And it if

³ Letter from Hearing Loss Association of America and the Deaf and Hard of Hearing-RERC at Gallaudet University to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-228 (filed Oct. 19, 2018) ("HLAA, DHH-RERC Letter").

⁴ HLAA, DHH-RERC Letter p. 4.

⁵ Draft Order ¶25.

⁶ Draft Order ¶1.

does not work, they may be required to pay the service provider restocking fees, as well as taking the time and effort going back and forth to the store until a compatible model has been found.

We emphasized that we would very much like to see a link to the Commission's website, which provides a wealth of information about requirements and can serve to educate the consumer further on the work of the commission. Particularly in light of the outreach efforts the Commission is striving for, and the fact that this information is not otherwise available either on current service provider website, the proposed link to the GARI website or even the otherwise commendable industry website hosted by CTIA, www.accesswireless.org this seems like a worthwhile addition to service providers websites.

However, if the Commission does find that a link to their own website overly restricts service providers, we would simply ask that the service providers be required to post a list of the basic requirements under the rules that impact consumers:

- Packages containing hearing-aid compatible handsets must be explicitly labeled and must include detailed information in the package or product manual;
- Wireless service providers must offer a means for consumers to test hearing-aid compatible handsets in their retail stores;
- Manufacturers and service providers are required to post information about their hearing-aid compatible handset offerings on their websites; and
- Information about their HAC models in packaging materials and at point of sale.

We also spoke to Commission staff regarding the information that is required to be posted on service providers' websites, that is, listings of HAC offerings. As we requested in the HLAA, DHH-RERC Letter, we believe updated information about HAC offerings should be provided with a date-stamp on the page where these updates are posted.⁷

Date stamping is important both to the Commission and to consumers. Without a date stamp, there will be no way for the Commission to know for sure when these pages are updated or how often. Likewise, consumers will have no way to know if the information is current. This is particularly important for those smaller service providers that may not be able to ensure all their offerings include as many HAC models as the larger service providers.

Finally, we discussed the fact that we support the Commission's language on the proposed Certification requirement. The Draft Report indicates the Certification should read: "As an officer of a wireless service provider covered by the wireless hearing aid compatibility provisions of the FCC's rules, I certify that I have personal knowledge that the provider was [(in

⁷ HLAA, DHH-RERC Letter p. 4.



full compliance) /(not in full compliance)] at all times during the applicable time period with the Commission’s wireless hearing aid capability requirements.”⁸

We believe that it is most important that the service provider certifies that they are in full compliance (or are not in full compliance) at all times during the applicable time period with the Commission’s wireless hearing aid capability requirements. Considering the Commission will no longer have Form 655 to rely on to ensure that service providers are in compliance, this certification is the one way service providers will bring to the forefront the need for service providers to be in compliance with all HAC rules.

We thank staff for their time with us for the meeting, for their work on the Draft Report, and for consideration of our requests to strengthen the Draft Order and by providing additional resources for consumers and the Commission alike.

Sincerely,

/s/ Lise Hamlin

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⁸ Draft Report ¶29.